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10/000,024	12/04/2001	Wilfred F. Brake	100116241-1	8687

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,024

Applicant(s)

BRAKE ET AL.

Examiner

Kevin M. Gagliostro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/18/02 2 12 | 4 | 01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A camera user interface assembly including at least one object view and a resizable image-capture-area designator superimposed on at least one object viewer."

Claim Objections

2. Claims 1, 4, 5, 6, 8, 9, 10, 11, 15, and 16 are objected to because of the following informalities:

Referring to claims 1, 4, 5, 6, 8, 9, 10, 11, 15, and 16, "resizeable" should be replaced with "resizable." Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-14, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,812,967 to Niikawa et al.

Niikawa clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Niikawa clearly describes a camera user interface assembly comprising:

At least one object viewer (liquid crystal display (LCD) 10 and electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

A resizable, image-capture-area designator (frame F) superimposed on said at least one object viewer (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A); and

A size selector (display magnification setting process) operatively associated with said designator (frame F) having at least one operating mode (buttons L and R)

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wherein said size selector is operable exclusively to resize said superimposed designator (Niikawa: column 11, lines 1-16 and figure 9A).

Niikawa clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Niikawa clearly describes the assembly of claim 1 wherein said at least one object viewer comprises a display screen (liquid crystal display (LCD) 10) (Niikawa: column 3, lines 49-53 and figure 3).

Niikawa clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Niikawa clearly describes the assembly of claim 1 wherein said at least one object viewer comprises an optical viewfinder (electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3).

Niikawa clearly shows all of the limitations cited in claim 4. See all material cited in the specification. Referring to claim 4, Niikawa clearly describes the assembly of claim 1 wherein said resizable image-capture-area designator (frame F) is a progressively increasingly and progressively decreasingly resizable image-capture-area designator. Specifically, Niikawa describes the display control unit 211c decreases the value m by one step (basis 0.1) when the L button is pressed, and increases the value m by one step (basis 0.1) when the R button is pressed (m is in the range of 1 to 10). Progressively is in each m step of 0.1 (Niikawa: column 11, lines 6-16 and figures 9A, 10, and 13).

Niikawa clearly shows all of the limitations cited in claim 6. See all material cited in the specification. Referring to claim 6, Niikawa clearly describes the assembly of claim 1 wherein said resizable image-capture-area designator (frame F) comprises a discrete-step size (m step of unit basis 0.1), resizable image-capture-area designator (frame F), each discrete-step resizing being associated with a discrete operation of said selector (buttons L and R). Specifically, Niikawa describes the display control unit 211c decreases the value m by one step (basis 0.1) when the L button is pressed, and increases the value m by one step (basis 0.1) when the R button is pressed (m is in the range of 1 to 10). The discrete-step size is in each m step of 0.1 (Niikawa: column 11, lines 6-16 and figures 9A, 10, and 13).

Niikawa clearly shows all of the limitations cited in claim 7. See all material cited in the specification. Referring to claim 7, Niikawa clearly describes the assembly of claim 1 wherein said size selector comprises at least one of a: rocker toggle, single push button toggle, double push button toggle, slide toggle, continuous pressure toggle, joystick toggle, dial toggle and roller toggle. Specifically, Niikawa describes this selector as a four-way switch 35 (or a rocker toggle, joystick toggle) (Niikawa: column 4, lines 4-8 and figure 3).

Niikawa clearly shows all of the limitations cited in claim 8. See all material cited in the specification. Referring to claim 8, Niikawa clearly describes the assembly of

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claim 1 wherein said resizable, image-capture-area designator comprises at least one of: line border, contrast differential, color/black-and-white differential, gray scale differential, color hue differential, resolution differential, pattern overlay differential. Specifically, Niikawa describes the resizable image-capture-area designator (frame F) comprising a line border as shown in figure 9A (Niikawa: column 11, lines 5-16 and figure 9A).

Niikawa clearly shows all of the limitations cited in claim 9. See all material cited in the specification. Referring to claim 9, Niikawa clearly describes a camera comprising:

At least one object viewer (liquid crystal display (LCD) 10 and electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

A resizable, image-capture-area designator (frame F) superimposed on said at least one object viewer (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A);

A size selector (display magnification setting process) operatively associated with said designator (frame F) having at least one operating mode (buttons L and R) wherein said size selector is operable exclusively to resize said superimposed designator (Niikawa: column 11, lines 1-16 and figure 9A).

Niikawa clearly shows all of the limitations cited in claims 10 and 11. See all material cited in the specification. Referring to claims 10 and 11, Niikawa clearly describes a camera user interface assembly (claim 10) and a camera (claim 11) comprising:

At least one object viewer (liquid crystal display (LCD) 10 and electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

A resizable, image-capture-area designator (frame F) superimposed on said at least one object viewer (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A); and

A size selector (display magnification setting process) operatively associated with said designator (frame F) having at least one operating mode (buttons L and R) wherein said size selector is operable to continuously increase and continuously decrease the size of said designator (Niikawa: column 11, lines 1-16 and figure 9A).

Niikawa clearly shows all of the limitations cited in claim 12. See all material cited in the specification. Referring to claim 12, Niikawa clearly describes a method of operating a camera comprising:

Displaying indicia representative of a portion of a displayed image which is to be selected for capture (frame F) (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A);

Continuously resizing the indicia (Frame F) from a smaller size to a larger size and from the larger size the smaller. Specifically, Niikawa describes the display control

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unit 211c decreases the value m by one step (basis 0.1) when the L button is pressed, and increases the value m by one step (basis 0.1) when the R button is pressed (m is in the range of 1 to 10). Progressively is in each m step of 0.1 (Niikawa: column 11, lines 6-16 and figures 9A, 10, and 13).

Niikawa clearly shows all of the limitations cited in claim 13. See all material cited in the specification. Referring to claim 13, Niikawa clearly describes a method of operating a camera comprising:

Operating a selector switch (LCD button 31 to select third display mode) through its entire range of operation to resize displayed indicia (frame F) representative of a portion of a displayed image which may be selected for capture without invoking other operating modes of the camera (Niikawa: column 10, lines 36-50; column 13, lines 45-52; figures 3 and 9A);

Operating an image capture selector (display magnification setting process in combination with buttons L and R) to capture only image data representative of the portion of the displayed image designated by the indicia (frame F) (Niikawa: column 11, lines 1-16 and figure 9A).

Niikawa clearly shows all of the limitations cited in claim 14. See all material cited in the specification. Referring to claim 14, Niikawa clearly describes a method of taking a picture of an object comprising:

Imaging a remote scene that contains the object on a two dimensional photo detector array (capturing an image by shutter button 9 in image capture mode) (Niikawa: column 8, lines 1-12 and figure 3);

Generating a first set of image data representative of the remote scene (generating a thumbnail of the captured image) (Niikawa: column 7, lines 40-60 and figure 4);

Viewing the image representative of the remote scene on a display screen (on the liquid crystal display (LCD) 10 or the electronic view finder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

Superimposing an area designator on the display screen (frame F) (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A);

Continuously shrinking and enlarging (changing the display magnification) the area designator (frame F) until a desired reduced portion of the display screen which contains only the object is within the area designator (frame F) (Niikawa: column 10, lines 36-50; column 11, lines 1-16; figures 9a, 9b, and 13);

Based upon the size of the area designator selecting a portion the first set of image data (shown in LCD 10) which corresponds to the object to generate a second set of image data (shown in EVF 20) (Niikawa: column 10, lines 36-50 and figures 9a-b);

Storing the second set of image data (shown in EVF 20, saved in VRAM 210) (Niikawa: column 10, lines 36-50 and figure 4).

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Niikawa clearly shows all of the limitations cited in claims 17 and 19. See all material cited in the specification. Referring to claims 17 and 19, Niikawa clearly describes a camera user interface (claim 17) and a camera (claim 19) comprising:

Means for displaying an image of an object (liquid crystal display (LCD) 10 and electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

Means for designating a portion of said displayed image (utilizing an image-capture-area designator or frame F) (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A); and

Means for continuously adjusting the size of said means for designating from a smallest size to a largest size and from said largest size to said smallest size.

Specifically, Niikawa describes the display control unit 211c decreases the value m by one step (basis 0.1) when the L button is pressed, and increases the value m by one step (basis 0.1) when the R button is pressed (m is in the range of 1 to 10).

Progressively is in each m step of 0.1 (Niikawa: column 11, lines 1-16 and figures 9A, 10, and 13).

Niikawa clearly shows all of the limitations cited in claims 18 and 20. See all material cited in the specification. Referring to claims 18 and 20, Niikawa clearly describes a camera user interface (claim 18) and a camera (claim 20) comprising:

Means for displaying an image of an object (liquid crystal display (LCD) 10 and electronic viewfinder (EVF) 20) (Niikawa: column 3, lines 49-53 and figure 3);

Means for designating a portion of said displayed image (utilizing an image-capture-area designator or frame F) (in the display screen of LCD 10) (Niikawa: column 10, lines 36-50, figure 9A); and

Means for manipulating said means for designating, exclusive of selection or adjustment of other features of said camera (LCD button 31 to select third display mode) (Niikawa: column 10, lines 36-50; column 13, lines 45-52; figures 3 and 9A).

Claim Rejections - 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,812,967 to Niikawa et al.

Regarding claim 5, Niikawa describes the assembly of claim 1, but does not teach the assembly wherein said resizable image-capture-area designator comprises a

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one-way, closed-loop resizable image-capture-area designator. However, examiner takes Official Notice that it is old and well known within the art to use a designator comprising a one-way, closed-loop designator. Therefore it would have been obvious to one of ordinary skill at the time of the invention to modify the assembly of Niikawa to include the resizable image-capture-area designator comprising a one-way, closed-loop resizable image-capture-area designator. Using a one-way, closed-loop designator would be used in that such a switch is commonly known in the art and it would be cost effective to incorporate into the camera.

Note: Anderson et al. (U.S. Patent No. 6,700,612) describes a camera with a zoom button 3 that allows one to proceed from a small image to a full size of a selected image that has a on-way style button (Anderson: column 1, lines 59-64 and figure 1 (shown as "prior art")).

Regarding claim 15, Niikawa describes a method of making a camera comprising mounting a display having a resizable image-capture-area designator superimposed function on a camera housing (liquid crystal display (LCD) 10 or electronic viewfinder (EVF) 20 on the surface of camera 2) (Niikawa: column 3, lines 49-53 and figure 3). Niikawa describes mounting a selector as a four-way switch 35 (Niikawa: column 4, lines 4-8 and figure 3) on the camera 2 housing which is operable, in at least on operating mode, only for initiating display of the designator (frame F) and resizing the designator (Niikawa: column 11, lines 6-16 and figure 9a-b). However, Niikawa does not teach the switch as a "toggle." However, examiner takes Official Notice that it is old and well known in the art to use a toggle switch in place of the four-way switch 35 shown in Niikawa. Therefore it would have been obvious to one of ordinary skill at the time of the invention to modify the method of making a camera of Niikawa to include a toggle switch. A toggle switch would be used in that such a switch is commonly known in the art and it would be cost effective to incorporate into the camera.

Regarding claim 16, Niikawa describes a method of making a camera comprising mounting a display having a resizable image-capture-area designator superimposed function on a camera housing (liquid crystal display (LCD) 10 or electronic viewfinder (EVF) 20 on the surface of camera 2) (Niikawa: column 3, lines 49-53 and figure 3). Niikawa describes mounting a selector as a four-way switch 35 (Niikawa: column 4, lines 4-8 and figure 3) on the camera 2 housing which is operable to continuously resize the image-capture-area designator (frame F) over its full range of sizes (ranges 1-10) (Niikawa: column 11, lines 6-16 and figure 9a-b). However, Niikawa does not teach the switch as a "toggle." However, examiner takes Official Notice that it is old and well known in the art to use a toggle switch in place of the four-way switch 35 shown in Niikawa. Therefore it would have been obvious to one of ordinary skill at the time of the invention to modify the method of making a camera of Niikawa to include a toggle switch. A toggle switch would be used in that such a

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switch is commonly known in the art and it would be cost effective to incorporate into the camera.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 571-272-7363. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

05/13/2005


NGOC-YEN VU
PRIMARY EXAMINER